

ENROLLED MILITIA OF MEMPHIS, ETC.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

IN RESPONSE TO RESOLUTION OF THE SENATE OF DECEMBER 18, 1900, A REPORT IN REGARD TO THE CLAIMS OF THE OFFICERS AND ENLISTED MEN OF THE FIRST, SECOND, THIRD, FOURTH, FIFTH, SIXTH, AND SEVENTH REGIMENTS OF THE ENROLLED MILITIA, WHICH CONSTITUTED A PART OF THE GARRISON OF MEMPHIS AND OF THE WESTERN DISTRICT OF TENNESSEE, FOR PAY AND OTHER COMPENSATION WHILE IN THE SERVICE OF THE UNITED STATES AS A PART OF ITS ARMY ORGANIZATION.

JANUARY 8, 1901.—Laid on the table and ordered to be printed.

WAR DEPARTMENT,
Washington, January 7, 1901.

SIR: In response to Senate resolution dated December 18th ultimo, directing the Secretary of War—

to investigate the claims of the officers and enlisted men of the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Regiments of the Enrolled Militia, which constituted a part of the garrison of Memphis and of the western district of Tennessee, for pay and other compensation while in the service of the United States as a part of its army organization, and to report to the Senate by what authority these forces were organized, the approximate number of officers and enlisted men enlisted, the kind and duration of service done, whether or not these forces have received any pay from the Government, if not, why they were not paid, and the approximate amount of money which would be required if the scale of pay and allowances then applicable to the soldiers of the United States Army were applied to the above-named organization—

I have the honor to transmit herewith a report on the subject from the Chief of the Record and Pension Office, this Department, dated January 4 instant.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE.

Case of the Enrolled Militia of Memphis and of the Western District of Tennessee.

It is shown by the records that the Enrolled Militia of Memphis and of the District of West Tennessee was a local home-guard force, composed principally of residents of Memphis, Tenn., who were enrolled under orders issued October 28, 1863, by Maj. Gen. W. T. Sherman, and organized into companies, regiments, battalions, and squadrons, for the protection of their property and homes, and for the defense of the State. It appears that the force consisted of seven regiments—four white and three colored—of infantry, designated the First, Second, Third, and Fourth Tennessee, and the First, Second, and Third Tennessee Freedmen; two battalions and two squadrons of cavalry, designated railroad battalion, battalion of second class, McGinley's cavalry squadron, and Hepburn's squadron of cavalry, respectively. This militia force was not mustered into the military service of the United States, and there are, therefore, no rolls of the organizations of which it was composed on file in this Department. These organizations were officered principally by officers and enlisted men of volunteer organizations serving in the same command, who were detailed and assigned to duty as officers of the enrolled militia organizations.

Following are copies of orders, correspondence, and record of correspondence relative to organization, service, and disbandment of this force:

GENERAL ORDERS, } HDQRS. DEPARTMENT AND ARMY OF THE TENNESSEE,
No. 4. } Iuka, Miss., October 28, 1863.

I. This department being an insurrectionary district, and the execution of the laws of the United States being resisted by armed rebels, every citizen is liable to be called on for military service, and if so called on, must render it.

II. Every commanding officer of a fixed military post, or of an organized brigade or division of the army in the field, may impress any citizen whatever and may compel his services in any of the old organized regiments or companies. If the party so impressed be a conscript according to the laws of Congress, his name will be properly enrolled by the provost-marshal-general, and he will be entitled to all the pay, bounty, and allowances provided by law; but if the individual is not enrolled on the proper lists his services will be compelled till such time as he is no longer needed, when he will be dismissed. During the period of such forced service, the individual will be entitled to rations and clothing, but no compensation—in the nature of a posse comitatus called out by an United States marshal.

III. Every officer making such forced levies will report the same with lists to the provost-marshal-general of this department, to be filed with the provost-marshal-general at Washington, D. C., and will assign them by special order to old regiments and companies. Their names will be borne on the muster rolls of the companies to which they are attached, with a remark explanatory of the nature of the service, its beginning and ending.

By order of Maj. Gen. W. T. Sherman:

R. M. SAWYER,
Assistant Adjutant-General.

GENERAL ORDERS, } HEADQUARTERS SIXTEENTH ARMY CORPS,
No. 157. } Memphis, Tenn., November 15, 1863.

I. The people of the district of west Tennessee and the northern counties of Mississippi having shown no disposition and made no attempt to protect themselves from marauders and guerrilla bands, but having submitted themselves without organized resistance to the domination of the petty tyrants, and combined in many instances with the known enemies of the United States to procure from corrupt traders in the city of Memphis and elsewhere supplies for the use of the public enemy, have proved themselves unworthy of the indulgence shown them by the Government: It

is therefore ordered, that the lines of pickets around the several military posts of this command in Tennessee and Mississippi be closed, and that no goods of any description be allowed to pass out, nor anything be brought in, except firewood and provisions, by any citizen, without the written order of some general officer, each of which permits, and the reasons for granting the same, will be reported to these headquarters, and for the necessity of which each officer granting will be held rigidly responsible.

II. All merchants and others doing business will be held responsible for knowledge of the residence of the parties to whom they sell, and the sale of merchandise to persons beyond the lines of pickets will be punished with the highest rigor known to the laws of war.

III. All persons residing under the protection of the United States and physically capable of military duty are liable to perform the same in a country under martial law, especially in the city of Memphis, where it is known that many have fled to escape liability to military service at home. This rule will be strictly applied. In pursuance, therefore, of orders to this effect from Maj. Gen. W. T. Sherman, commanding Department and Army of the Tennessee, all officers commanding districts, divisions, and detached brigades of this corps will immediately proceed to impress into the service of the United States such able-bodied persons liable to military duty as may be required to fill up the existing regiments and batteries to their maximum. These persons so levied upon, if they enlist for three years or the war, will be entitled to the full benefits provided by the acts of Congress. If not, they will receive clothing and rations and be borne at the foot of each company roll, with remarks, stating their time of service and the advances made by the Government in clothing, a certificate of which will be given them when discharged from such forced service, the question of pay or other compensation to be settled by proper authority hereafter. They will be discharged when no further military necessity appears for their enforced service.

IV. The senior surgeons and inspectors present will constitute a board of inspection on the physical capacity of recruits.

By order of Maj. Gen. S. A. Hurlbut:

F. H. HARRIS, *Assistant Adjutant-General.*

GENERAL ORDERS, }
No. 96. }

HEADQUARTERS DISTRICT OF MEMPHIS,
Memphis, Tenn., November 18, 1863.

For the purpose of carrying into effect the provisions of General Orders, No. 157, Headquarters Sixteenth Army Corps, within the district of Memphis, every able-bodied person liable to military duty within said district will be required to report himself to the proper enrolling officer, as hereinafter provided, within ten days from this date.

II. Loyal citizens are urged to form volunteer companies and report their organization to these headquarters without delay for approval.

III. They will be furnished with arms and equipments upon bond for the safe-keeping and delivery of the same, and will be allowed rations and pay when in actual service. They will be subject to the order of the commanding officer of the district at all times for home defense.

IV. All persons within the district who shall be adjudged liable to perform military duty, and who fail to enter volunteer companies, will be held liable to be impressed to fill up existing regiments and batteries according to the provisions of General Orders, No. 157, Headquarters Sixteenth Army Corps.

V. Enrolling offices will be opened in the city of Memphis at the following places: For the First, Second, and Third wards, at engine house No. 3, corner of Adams and Second streets; for the Fourth and Fifth wards and all residing beyond the corporate limits, at the mayor's office, corner of Madison and Second streets; for the Sixth Ward, and that portion of the Seventh Ward south of Union street, at the engine house No. 7, Desoto street; for the Eighth Ward, and that part of the Seventh Ward north of Union street, at the Charleston House, near Memphis and Charleston Railroad depot.

VI. Any failure to comply with the provisions of this order will subject the party to be arrested and impressed into the service.

By order of Brig. Gen. J. C. Veatch:

F. W. Fox, *Assistant Adjutant-General.*

GENERAL ORDERS, }
No. 169.

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., December 10, 1863.

General Orders, No. 157, current series, from these headquarters, and orders based upon that, do not require the performance of enforced military duty by persons who owe allegiance to foreign friendly powers.

The production of a consular certificate will be *prima facie* evidence of such foreign allegiance, and unless contradicted by proof of allegiance transferred to the United States, will be fully respected.

By order of Maj. Gen. S. A. Hurlbut:

T. H. HARRIS,
Assistant Adjutant-General.

GENERAL ORDERS, }
No. 105.

HEADQUARTERS DISTRICT OF MEMPHIS,
Memphis, Tenn., December 29, 1863.

The Enrolled Militia of the District of Memphis will be organized in regiments as follows:

I. The companies commanded by Capts. Martin T. Ryder, Henry S. De Young, William A. Dorey, Kelso Bond, John McDonald, Charles McDonald, Christian Lullman, Robert L. Meighee, George Rayfield, and W. Augustus Johnson, will form the first regiment.

Officers: John McDonald, colonel; Charles McDonald, lieutenant-colonel; Joseph Tagg, major; J. Charles Cohen, adjutant; Ira M. Hill, quartermaster; Philip G. L. Grarty, surgeon; William R. Chandler, assistant surgeon.

II. The companies commanded by Capts. Edward Mulholland, John B. Synnott, Benjamin R. Maginley, Thomas B. Edgington, William W. Jones, Stephen Ogden, John Hening, William H. Passmore, and H. S. Ward, will form the second regiment.

Officers: Asa C. Ketchum, colonel; Ruel Hough, lieutenant-colonel; Irving Halsey, major; Henry A. Louis, adjutant; Garrin P. Ware, quartermaster; Dr. A. Gregg, surgeon; Dr. Christian B. V. Spiegel, assistant surgeon.

III. The companies commanded by Capts. Peter A. Heinrich, August Hitzfeld, Fred. W. Buttinghaus, John E. Moller, Samuel Schloss, Joseph Kengler, Rodolph Moergel, John P. Schlucker, and John Lehner, will form the Third Regiment.

Officers: Fred. W. Buttinghaus, colonel; Peter H. Heinrich, lieutenant-colonel; Christian Lullman, major; William Gehel, adjutant; Ferdinand Heckel, quartermaster; Dr. Arnie Szesiuzi, surgeon; Dr. Ferdinand Saupe, assistant surgeon.

IV. All the five companies, and the company of police will be attached to the Second Regiment.

By order of Brig. Gen. J. C. Veatch:

F. W. Fox
Assistant Adjutant-General.

SPECIAL FIELD ORDERS, }
No. 6.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Memphis, January 20, 1864.

The commanding officer at Memphis may organize the loyal citizens of Memphis into a brigade of four regiments for home or local defense, and may issue to them arms, accouterments, ammunition, and undress uniforms, to be receipted for and security given for their safe return to the proper authorities on the order of the commanding officer of the post.

II. The quartermaster may set apart and dedicate to the use of these regiments as armories or places of rendezvous, suitable buildings, such as cotton sheds, one to each regiment, said buildings to be of those already in possession of the United States by reason of abandonment by disloyal owners. One to be at or near the navy-yard, two to be at or near the railroad depot, and the fourth to be at or near Fort Pickering, and the quartermaster may expend any material now on hand to adapt these buildings to the uses named, viz, armories for the home guard.

III. The troops organized under this order shall be exempt from conscription under department orders (but liable, of course, to the laws of the United States), unless by neglect of duty they render themselves liable to expulsion from their regiment or command; they will take the oath of allegiance required of them by law and sign a written agreement to do such local guard duty, drills, and defense of the city as may be required of them by the post commander and the brigade commander he may appoint over them, subject to approval of their department headquarters.

IV. The quartermaster and ordnance officer at Memphis will make the necessary issues under this order, on the requisition of the colonels of regiments, with a bond attached, all to be approved by the post commander.

By order of Maj. Gen. W. T. Sherman:

L. M. DAYTON,
Aid-de-Camp.

SPECIAL ORDERS, }
No. 129.

HEADQUARTERS DISTRICT OF MEMPHIS,
Memphis, Tenn., June 7, 1864.

I. All certificates, discharges, and passes heretofore given exempting any person from militia duty for any cause shall be null and void from and after the 1st day of July next, and all persons between the ages of 18 and 50 years claiming exemption from any cause must make the proper proof and procure certificates before that date.

II. Maj. John B. Rice, surgeon in chief, District of Memphis, as president; Dr. Sanford Bell, surgeon, Second Regiment, and Dr. F. Saupe, surgeon, Third Regiment E. M., are hereby appointed a board for the examination of applicants for exemption from militia duty on account of physical disability. The office of the board will be established at the engine house, on the corner of Second and Adams streets, and the board will be in session on Tuesdays, Wednesdays, Thursdays, and Fridays from 9 o'clock a. m. to 12 m. and from 2 to 5 o'clock p. m., until further orders, commencing on Thursday, June 9, 1864.

III. No person will be discharged from militia duty for physical disability unless, in the opinion of the board, he is and will be during the next six months unable to drill and perform the ordinary militia duties in the city of Memphis.

IV. Any person desiring to be examined by said board shall first report at brigade headquarters, pay the sum of \$2 into the general militia fund, and take a receipt for the same, and the board will not examine any person except upon the presentation of such receipt. Each certificate of exemption will be signed by the president and at least one other member of the board upon actual examination by all who sign the certificate, and must be approved and registered at brigade headquarters, and will exempt the party until the 1st day of January, 1865. In all cases where the board upon examination shall refuse to grant a certificate of exemption the party shall forthwith be reported to brigade headquarters, and there required to join some company, if not already a member.

V. Any person claiming exemption from any other cause than physical disability may apply to the brigade commander, who is authorized to give certificates of exemption, upon proof by affidavit and such other proof as he may require, that the claimant is entitled to the same under existing orders, and every person receiving a certificate of discharge or exemption shall pay into the militia fund the sum of \$2. All discharges and certificates of exemption must be registered at brigade headquarters.

VI. The provost marshal for the District of Memphis may give passes of exemption for fifteen days to persons temporarily in the city, but will not renew any passes.

By order of Brig. Gen. R. P. Buckland:

A. G. TUTHER,
Acting Assistant Adjutant-General.

SPECIAL ORDERS, }
No. 121.

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Memphis, Tenn., August 23, 1864.

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X. The thanks of the general commanding are tendered to the officers and men comprising the enrolled militia of the District of Memphis for the very prompt and soldierly manner in which they have responded to the recent calls that have been made upon them for the defense of this city. Their action has demonstrated to all cavaliers the wisdom of the order under which they were organized as a defensive force. Their alacrity and promptitude can not fail to commend itself to every friend of the Government, from all of whom they are entitled to receive their grateful acknowledgments.

By order of Maj. Gen. C. C. Washburn:

W. H. MORGAN,
Major and Assistant Adjutant-General.

ENROLLED MILITIA OF MEMPHIS, ETC.

HEADQUARTERS FIRST BRIGADE ENROLLED MILITIA,
DISTRICT OF MEMPHIS,
Memphis, Tenn., August 25, 1864.

CAPTAIN: In compliance with orders from district headquarters, I have the honor to submit the following report of the action of this command during the rebel cavalry raid into this city on Sunday last:

I was awakened by Colonel Starr, Sixth Illinois Cavalry, at the instant of the entrance of the rebels, and at the earliest possible moment repaired to the armory of the Second Regiment Enrolled Militia, where, by direction of Brigadier-General Buckland, whom I found at that point, I caused the gun used as a signal of alarm for the militia to be fired. This firing alarmed the raiders, and, I am informed, greatly hastened their withdrawal. Still under direction of the general commanding district, I moved in charge of some sixty men of the One Hundred and Thirteenth Illinois Regiment (guard at the Irving military prison) and some eighteen or twenty men detached from the command, militia, etc., in the direction of the picket line on Hernando road, in pursuit of the enemy, who were beating a hasty retreat from the dangerous locality to which they had penetrated. Finding Lieutenant-Colonel Bell, of the Eighth Iowa Infantry, at the lines and engaged with the enemy, I turned over the men I had been conducting to him and returned at once to the armories of the militia. I found the men assembled in unexpectedly large numbers and in excellent spirits. The First Regiment Enrolled Militia was moved out on the Hernando road, and held in reserve of the regular forces then fighting. The Second and Third Regiments were placed by companies guarding the bridges on Gayoso Bayou from Monroe street north to the Mississippi River. At noon the enemy had disappeared and my command was dismissed.

Here, Captain, I desire to call the attention of the general commanding to the prompt manner in which this organization responded to the call for duty upon this, as well as the two subsequent calls, their ranks being more numerous in each call. The earnestness of purpose and gallant bearing with which each officer and soldier hastened to his post is a guaranty that when the time comes the 2,000 stout hearts and strong arms of the members of the First Brigade of Enrolled Militia of the District of Memphis will do their entire duty in the defense of the post.

It is proper before closing this report to state my obligations to the members of my staff for their promptness and activity in conveying orders and the performance of their other duties.

I have the honor to be, Captain, your obedient servant,

C. W. DUSTAN,
Brig. Gen., Commanding Enrolled Militia, District of Memphis.

Capt. ALFRED G. TUTHER,
Acting Assistant Adjutant-General, District of Memphis.

HEADQUARTERS FIRST BRIGADE ENROLLED MILITIA,
DISTRICT OF MEMPHIS,
Memphis, Tenn., September 27, 1864.

GENERAL: I have the honor to renew my request for the difference between my pay as captain and assistant adjutant-general and brigadier-general E. M. The amount already authorized to me, being the difference between captain and colonel of infantry, I find to be altogether inadequate to cover my largely increased personal expenses.

I have the assurance of the major-general commanding district of West Tennessee that this application forwarded through your headquarters would receive favorable consideration at his hands.

I am, General, your obedient servant,

C. W. DUSTAN,
Brigadier-General E. M.

Brig. Gen. R. P. BUCKLAND,
Commanding District of Memphis.

HEADQUARTERS DISTRICT MEMPHIS,
Memphis, Tenn., September 27, 1864.

Respectfully forwarded. Approved.

R. P. BUCKLAND,
Brigadier-General.

HEADQUARTERS DISTRICT WEST TENNESSEE,
Memphis, Tenn., September 29, 1864.

Respectfully returned. Approved. Brigadier-General Buckland, commanding district of Memphis, will authorize Brig. Gen. C. W. Dustan to draw from the fund of the enrolled militia, city of Memphis, the difference in pay between a captain of cavalry and a brigadier-general.

By order of Maj. Gen. C. C. Washburn:

W. H. MORGAN,
Major and Assistant Adjutant-General.

SPECIAL ORDERS, }
No. 210. }

HEADQUARTERS DISTRICT WEST TENNESSEE,
Memphis, Tenn., November 29, 1864.

* * * * *

V. With a view of adding to the efficiency of the enrolled militia of the city of Memphis and equalizing the burden of the militia service—

It is ordered that a tax of one-half of 1 per cent a month be levied upon all persons in the city of Memphis who hold trade permits, but who, from any cause, are exempt from militia duty. The tax will be upon monthly accounts, for which said exempts hold permits. When a part of the members of a firm are exempt a pro ratio tax will be levied upon the exempts.

The tax hereby levied will be paid to J. M. Hill, brigade quartermaster of the enrolled militia. A failure to pay the tax within five days from the beginning of each month will insure the closing of the business of the delinquents.

The fund raised by this tax will be devoted to defraying the expenses of the militia and paying a permanent guard for each regiment. No money will be expended from the fund created from the above source without the approval of the commander of the district of Memphis.

By order of Maj. Gen. C. C. Washburn:

WM. H. MORGAN,
Major and Assistant Adjutant-General.

[Transcript from letters received Bk. District of West Tennessee, No. 6, 1864 and 1865; D 2, 1865. Received January 9, 1865.]

Dustan, C. W., brigadier-general, Memphis, Tenn., December 26, 1864, requests that all enlisted men of the United States Volunteers holding positions in the enrolled militia, district West Tennessee, receive from the militia fund \$20 per month in addition to their pay as soldiers and that the colonels and adjutants of the several regiments freedmen be placed upon the same footing as officers of the same grade in the white regiments, receiving from the militia fund the difference between their pay as officers in the Army and the pay of the rank which they now hold. (One inclosure.) Returned approved January 9, 1865.

SPECIAL ORDERS, }
No. 236. }

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Memphis, Tenn., December 26, 1864.

[Extract.]

The moneys in the hands of the assistant quartermaster, enrolled militia, district of West Tennessee, will hereafter be disbursed as follows:

All funds derived from fines, furloughs, etc., collected at headquarters enrolled militia, will be disbursed upon the approval of the commanding officer of the enrolled militia, who will cause a statement to be made and forwarded to these headquarters on the last day of each month of all receipts and expenditures for that month.

Funds derived from all other sources will only be paid out upon approval from these headquarters.

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By order of Brig. Gen. James C. Veatch:

R. G. CURTIS,
Captain and Assistant Adjutant-General.

ENROLLED MILITIA OF MEMPHIS, ETC.

HEADQUARTERS FIRST BRIGADE,
ENROLLED MILITIA, DISTRICT OF WEST TENNESSEE,
Memphis, Tenn., December 31, 1864.

Muster and pay roll of the First Brigade, Enrolled Militia, District of West Tennessee.

Number.	Name.	Rank.	Number days.	Amount per diem.	Total.
1	Chas. W. Dustan	Brigadier-general	31	.....	\$171.00
1	Mark D. Flower	Captain and assistant adjutant-general	31	.....	128.00
1	David V. B. Hallam	First lieutenant	5	.....	14.25
2	Joseph A. Grovaner	do	31	.....	108.50
1	Nick S. McCown	Clerk	31	.....	100.00
2	Thos. J. Anders	do	31	.....	35.00
1	Ben. R. Smith	Orderly	31	.....	25.00
1	Jack Jones	Servant	31	.....	25.00
					606.75
<i>First Regiment, E. M., D. W. T.</i>					
1	A. P. Curry	Colonel	10	\$6.25	62.50
1	D. S. Low	First lieutenant and adjutant	31	4.00	124.00
1	Jno. T. Parkley	Sergeant	24	3.00	72.00
1	Oscar Little	Corporal	24	2.50	60.00
2	Joseph Farrell	do	24	2.00	60.00
1	W. E. Stevens	Private	24	2.00	48.00
2	A. Abrams	do	24	2.00	48.00
3	Jno. Boyle	do	24	2.00	48.00
4	H. Hanson	do	24	2.00	48.00
5	J. M. Klinek	do	24	2.00	48.00
6	C. W. Schlimer	do	24	2.00	48.00
7	Jno. Solaria	do	24	2.00	48.00
8	Alfred Wilson	do	24	2.00	48.00
					762.50
<i>Second Regiment E. M., D. W. T.</i>					
1	David Ryan	Colonel	31	2.70	83.70
1	W. De Loss Hawkins	First lieutenant and adjutant	25	4.00	100.00
1	C. E. McDonald	Sergeant	23	3.00	69.00
1	Patrick Rowe	Corporal	23	2.50	57.50
2	Edward Mitchell	do	23	2.50	57.50
1	S. Lewllan	Private	23	2.00	46.00
2	Robt. Mallory	do	23	2.00	46.00
3	Daniel Percott	do	23	2.00	46.00
4	John Thompson	do	23	2.00	46.00
5	William Morrison	do	23	2.00	46.00
6	James McGough	do	23	2.00	46.00
7	James Farney	do	23	2.00	46.00
8	James Fleming	do	23	2.00	46.00
					735.70
<i>Third Regiment E. M., D. W. T.</i>					
1	M. T. Williamson	Colonel	31	.....	196.20
1	H. A. Rehbieu	First lieutenant and adjutant	23	4.00	92.00
1	F. Smith	Sergeant	18	3.00	54.00
1	Jno. Klinge	Corporal	23	2.50	57.50
2	Jno. Peters	do	23	2.50	57.50
1	F. Wolf	Private	23	2.00	46.00
2	Jno. Ditchi	do	23	2.00	46.00
3	H. Mahler	do	23	2.00	46.00
4	George Todd	do	23	2.00	46.00
5	J. W. Duncan	do	23	2.00	46.00
6	A. D. Lucas	do	23	2.00	46.00
7	H. Hennisch	do	22	2.00	44.00
8	J. H. Kreide	do	22	2.00	44.00
					821.20
<i>Fourth Regiment, E. M. D. W. T.</i>					
1	William C. Whitney	Colonel	16	2.70	43.20
1	James E. Lawton	First lieutenant and adjutant	11	4.00	44.00
					87.20

Muster and pay roll of the First Brigade, Enrolled Militia, etc.—Continued.

Number.	Name.	Rank.	Number days.	Amount per diem.	Total.
<i>First Regiment Freedmen.</i>					
1	Edmund R. Wiley	Colonel	31	.....	\$43.00
1	Elbridge E. Ward	First lieutenant and adjutant	31	.....	15.00
1	Wm. H. Ostrander	Captain	31	.....	20.00
2	Lewis Sturgis	do	31	.....	20.00
3	Ambrose Porter	do	31	.....	20.00
4	John C. Jones	do	31	.....	20.00
5	Aug. M. Walling	do	31	.....	20.00
6	John M. Ryan	do	31	.....	20.00
7	John H. Sherwood	do	31	.....	20.00
1	Francis S. Marshall	First lieutenant	31	.....	20.00
2	Alexander Fergeson	do	18	.....	11.99
3	George W. Cook	do	18	.....	11.99
4	Wm. W. Frasier	do	18	.....	11.99
					253.97
1	A. T. Reeve	Colonel	15	.....	37.75
1	J. S. Titcomb	First lieutenant and adjutant	31	.....	20.00
1	W. W. Taliafaro	Captain	31	.....	20.00
2	Geo. W. Vanaletia	do	31	.....	20.00
3	Victor J. Phillips	do	31	.....	20.00
4	John J. Kellogg	do	31	.....	20.00
5	Seth B. Cole	do	23	.....	14.83
6	J. P. Campbell	do	31	.....	20.00
1	J. W. Seoon	First lieutenant	31	.....	20.00
					192.58
Total					3,459.90

I certify on honor that the above accounts are correct and just.

C. W. DUSTAN,
Brigadier-General, E. M., Commanding.

SPECIAL ORDERS, }
No. 11.

HEADQUARTERS DEPARTMENT OF MISSISSIPPI,
Memphis, Tenn., January 6, 1865.

1. Brig. Gen. J. C. Veatch, commanding district of West Tennessee, will immediately cause full and detailed accounts to be prepared of all moneys received from any and all sources on account of militia service of the enrolled militia of the district of Memphis and the district of West Tennessee from July 1 to December 31, 1864. These accounts will embrace every dollar collected and expended by any person whomsoever or for whatever account, and will be accompanied by the vouchers of each expenditure.

2. Brigadier-General Veatch will also cause similar accounts to be rendered by the proper municipal officers of the city of Memphis, for the whole period since the city government has been administered by military authority.

3. The above accounts will be rendered forthwith, and will be sent direct to Col. Herman Lieb, assistant inspector-general, Department of Mississippi, who will report for orders on receipt of them.

4. Henceforth similar accounts will be rendered monthly during the first three days of the succeeding month.

By order of Maj. Gen. N. J. T. Dana:

T. H. HARRIS,
Assistant Adjutant-General.

HEADQUARTERS ENROLLED MILITIA, D. W. T.,
Memphis, Tenn., January 23, 1865.

CAPTAIN: I have the honor to transmit herewith copies of the "oath of allegiance" administered to American citizens, also the "alien oath" administered only upon the proper evidence of the alienage of the party so applying, in pursuance of instructions from your headquarters, on communication of Col. James N. McArthur, commanding post of Columbus, Ky.

I have the honor also to inclose copies of general orders from these headquarters relative to the organization, also blanks used for furloughs, discharges, etc.

Line officers of the militia are appointed only upon the recommendation of the commanding officer of the regiment to which he belongs and receive no compensation.

Commanding officers of the regiments should receive full pay according to rank; if officers of the Army, the difference between their pay proper and the pay of their temporary rank.

General Orders, No. 12, current series, from headquarters Department of the Mississippi, of date January 20, will furnish the information in regard to the manner of procuring arms.

Any information I can at any time furnish Colonel McArthur will be freely and promptly given.

I have the honor to be, Captain,

Most respectfully, your obedient servant,

C. W. DUSTAN,
Brigadier-General, E. M.

Capt. R. G. CURTIS,
Assistant Adjutant-General.

SPECIAL ORDERS, }
No. 54. }

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Memphis, Tenn., February 27, 1865.

I. All militia funds in the hands of Lieutenant-Colonel Lackland, provost-marshal, post and defenses of Memphis, will be turned over to Col. R. E. Clary, deputy quartermaster-general, United States Army, and taken up by him on that account, only to be checked out on orders from the commanding general of the District of West Tennessee.

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By order of Brig. Gen. B. S. Roberts:

B. K. ROBERTS,
Captain and Assistant Adjutant-General.

SPECIAL ORDERS, }
No. 71. }

HEADQUARTERS POST AND DEFENSES OF MEMPHIS,
Memphis, Tenn., March 20, 1865.

II. The first battalion, second-class Enrolled Militia, District of West Tennessee, is hereby disbanded.

The officers of the battalion will be examined by Surgeons White and Gregg, and such as are found to be subject to militia duty under existing orders will be enrolled in some other regiment. The enlisted men composing this organization will be discharged by the brigadier-general commanding Enrolled Militia, District of West Tennessee.

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By order of Brig. Gen. A. L. Chetlain:

JOH S. LORD,
First Lieutenant and Acting Assistant Adjutant-General.

SPECIAL ORDERS, }
No. 72. }

HEADQUARTERS POST AND DEFENSES OF MEMPHIS,
Memphis, Tenn., March 21, 1865.

I. The militia forces of Memphis being required at present to parade only on two days of each month, all permanent exemptions which have heretofore been granted, from whatever causes, are hereby revoked. Hereafter all applications for exemptions from duty, except those granted on sickness, must be made in writing to these headquarters on the day preceding the days prescribed for drill and parade.

Officers of the quartermaster's and commissary department who control clerks and employees enrolled in the militia will make application in writing for the exemption of such men only as are absolutely necessary for the transaction of business during the hours of drill. No other exceptions will be made.

The surgeons of the different regiments are qualified as heretofore to grant excuses on account of physical disability, but will be held to a strict accountability for their action and be governed in all cases by the provisions of Special Orders, No. 34, Paragraph IV, Headquarters District of West Tennessee, February 7, 1865.

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By order of Brig. Gen. A. L. Chetlain:

JNO. S. LORD,

First Lieutenant, Acting Assistant Adjutant-General.

SPECIAL ORDERS, }
No. 95. }

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Memphis, Tenn., April 12, 1865.

I. The Fourth Regiment Enrolled Militia, Col. W. C. Whitney commanding, and the Third Regiment Freedmen Enrolled Militia, Col. Henry von Heyde commanding, and the railroad battalion, commanded by Major Farrell, are hereby disbanded, and all ordnance and ordnance stores will be turned over to the United States ordnance officer, and all quartermasters' stores to the depot quartermaster. All persons enrolled in either of the above regiments who are not Government employees or in the employ of the city government will enroll themselves at once in one of the remaining militia regiments. Quartermasters, commissaries, and other parties employing persons in behalf of the Government or city will require their employees to surrender up their militia passes and receive in place certificates that they are in the employ of the Government.

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By order of Maj. Gen. C. C. Washburn:

W. H. MORGAN,

Major and Assistant Adjutant-General.

SPECIAL ORDERS, }
No. 119. }

HEADQUARTERS DISTRICT OF WEST TENNESSEE,
Memphis, Tenn., May 8, 1865.

I. The enrolled militia of Memphis are hereby disbanded. All officers and enlisted men on detached service with this organization will report forthwith to their respective commands for duty. All ordnance and ordnance stores will be turned over to Capt. D. S. Pride, depot ordnance officer. All regimental and company property, books, papers, and money will be deposited at the headquarters of Brig. Gen. M. T. Williamson, commanding, to await disposition as may hereafter be ordered. All quartermasters' property belonging to this organization which has not been used will be returned to Col. R. E. Clary, deputy quartermaster-general, and the money paid therefor be by him refunded to Brig. Gen. M. T. Williamson.

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By order of Maj. Gen. C. C. Washburn:

Major and Assistant Adjutant-General.

As previously stated, the rolls of this force of enrolled militia are not on file in this Department, and it is therefore impracticable to state the aggregate strength maintained by it throughout the period of its service, but on February 28, 1865, it was reported that the force of enrolled militia consisted of 242 officers and 6,039 enlisted men of infantry, and 7 officers and 142 enlisted men of cavalry, an aggregate force of 6,530. In the same report it is also stated that the aggregate strength of the force at the end of the last preceding month was infantry 6,742 and cavalry 153. In the absence of the muster rolls it is also impracticable to state the duration of service of the individual members of this force, or to make an estimate that would be even approximately correct of the amount of money which would be required to pay them if the scale of pay and allowances then applicable to soldiers of the United States were applied to the above-named organization.

As this force consisted of men assembled for the protection of their own homes or the immediate section of the country in which their homes were located, they were not then and are not now entitled to the pay and privileges earned by the soldiers of the regularly constituted forces of the United States who served for stated periods without limitation of place or service and for the protection and defense of the whole country. While the exact period during which the members of this force served can not be definitely stated, it appears that during at least a part of the time the only duty they were called upon to perform was to assemble for parade twice a month, and that the only engagement in which they participated was that of August 21, 1864, referred to in the report dated August 25, 1864, of Brigadier-General Dustan, above set forth. At all other times it would seem that the members composing this force were permitted to pursue their usual vocations.

The force to which this resolution refers does not differ from numerous other home-guard organizations whose members have no claim under existing law to recognition as soldiers or to the benefits to which soldiers are entitled.

The impracticability of carrying into effect legislation for their payment and the difficulty surrounding the recognition and payment of this class of troops at this late day are well illustrated by the cases of Capt. David Beaty and Colman Bryson's Independent Companies of East Tennessee Scouts and Guides, the former of which was recognized by the act of Congress (Private, No. 90) approved July 14, 1870, and the latter by the act (Private, No. 25) approved March 1, 1869. Both of these acts provided for the filing in the War Department of a roll or list of the members, sworn to by the surviving officers of the respective companies, and such rolls were filed accordingly soon after the approval of the acts referred to.

But no sooner had payments begun under the provisions of the acts referred to above than the War and Treasury Departments were flooded with claims, complaints, and accusations to such an extent as to throw grave doubt on the reliability of the rolls that had been filed and to render it necessary that an investigation of them should be made. The War Department, therefore, sent to the locality where the companies were organized a competent agent, who, after a careful investigation, and at the expense of considerable time and money, ascertained that the rolls of both Beaty and Bryson's companies were more or less fraudulent and had been made so intentionally, many of the persons whose names appeared thereon having never rendered any service at all, or having rendered but a very small portion of the service with which they were credited, and other names being wholly fictitious. Consequently these rolls, although still a part of the official records as required by law, afford information that can only be used with great caution and after a full explanation of the facts connected with them.

Respectfully submitted.

F. C. AINSWORTH,
Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, January 4, 1901.
The SECRETARY OF WAR.